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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,455	09/16/1999	NED M SMITH	042390.P6764	8766

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04/19/2004

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EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/397,455

Applicant(s)

SMITH, NED M

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 3 February 2004 have been fully considered but they are not persuasive.
2. Referring to the rejection of claim 1, the Applicant contends that the prior art Grimmer does not teach reading from a software module embedding one of a set of key associated with a trusted source. The Examiner respectfully disagrees and asserts that Grimmer teaches imbedding a public key (one of a set of key)(See Column 2, lines 59-65) The software module obtains X.509 certificates from the X.500 directory which is associated with a Certificate Authority (trusted source)(See Column 5, lines 8-18, Column 6, lines 28-30, 52-54) Therefore, in order to determine whether a key is identified or traceable, the software module can also be used to secure and authenticate electronic message transmission.(See Column 6, lines 36-38)
3. The rejection of claims 1,2, and 4-26 are maintained in view of the reasons above and in view of the reasons below.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimmer U.S. Patent No. 5,774,552. Referring to claims 1 and 20, Grimmer discloses a method comprising: determine whether a key is traceable to one of a set of keys associated with a trusted source in Column 5, lines 8-27, determine whether the key is identified in a list of comprised keys and if the key is not identified as comprised and is traceable to one of the keys in the set, assign the key a trusted status in Column 8, lines 20-33

Referring to claims 2, 14, and 21, Grimmer discloses the claimed limitation of verifying the integrity of a document comprising the key and the list of comprised keys

Referring to claims 3 and 22, Grimmer discloses the claimed limitation of reading from a software module embedding the set of keys in Column 6, lines 33-54.

Referring to claims 4, 16, and 23, Grimmer discloses the claimed limitation of tracing the key through a certificate chain to one of the keys in the set of keys in Column 5, lines 66-67, Column 6, lines 1-16.

Referring to claim 5, Grimmer discloses the claimed limitation of associating a document comprising the key and the set of keys with a software module comprising the set of keys using a hash of the software module in the document in Column 3, lines 45-60.

Referring to claim 6, Grimmer discloses the claimed limitation in which the document is a manifest signed by the key in Column 4, lines 63-67, Column 5, lines 1-7.

Referring to claim 7, Grimmer discloses the claimed limitation of searching the list of compromised keys for the key in Column 7, lines 47-57, Column 8, lines 1-11.

Referring to claims 8,17, and 24, Grimmer discloses the claimed limitation of producing a document comprising an identification of a software module and a list of comprised keys in and digitally signing the document using a key traceable to one of a set of keys comprised by the software module in Column 3, lines 45-67, Column 4, lines 1-4.

Referring to claims 9,18, and 25, Grimmer discloses the claimed limitation in which the identification of the software module comprises a hash value of the software module in Column 5, lines 54-65.

Referring to claims 10,19, and 26, Grimmer discloses the claimed limitation in which the key is traceable to one of the set of keys comprised by the software module by way of a certificate chain in Column 5, lines 8-27 and Figure 4.

Referring to claim 11, Grimmer discloses the claimed limitation of making the document available on a communication network by which computer systems comprising the software module may read the document in Column 7, lines 12-20, 25-36.

Referring to claim 12, Grimmer discloses the claimed limitation in which the set of keys is embedded within the software module in Column 2, lines 59-62.

Referring to claim 13 Grimmer discloses a device comprising a processor, machine-readable storage for storing instructions in Column 7, lines 3-11, determine whether a key is traceable to one of a set of keys associated with a trusted source in Column 5, lines 8-27, determine whether the key is identified in a list of comprised keys and if the key is not identified as comprised and is traceable to one of the keys in the set, assign the key a trusted status in Column 8, lines 20-33.

Referring to claim 15, Grimmer discloses the claimed limitation of comprising a software module comprising the list of keys in Column 4, lines 16-20, Column 6, lines 17-27.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cdf

cdf
April 15, 2004

Matthew B. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137